

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT, ABC UNIFIED SCHOOL
DISTRICT, AND CALIFORNIA
DEPARTMENT OF EDUCATION.

OAH Case No. 2015020992

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 11, 2015, Student filed a Due Process Hearing Request (complaint), naming Los Angeles Unified School District, ABC Unified School District, and California Department of Education. On March 3, 2015, CDE was dismissed as a party for Student's failure to allege facts that would support a finding against CDE. On August 7, 2015, Student filed an Amended Due Process Hearing (amended complaint), which the Office of Administrative Hearings deems to be a Motion to Amend the Due Process Hearing Request. The amended complaint added information related to an IEP team meeting that occurred after the original complaint was filed, added specific reference to the 2014-2015 school year in what Student identified as the first issue, and added an issue regarding whether the obligation to provide Student with a FAPE shifted to CDE due to ABC's and LAUSD's disclaimers of responsibility for offering Student a FAPE. ABC filed a statement of non-opposition on August 11, 2015. CDE filed a Motion to Be Dismissed as a Party in the amended complaint on August 12, 2015.¹ No opposition was received from LAUSD.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)² The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ CDE's Motion to Be Dismissed as a Party is addressed in a separate order.

² All statutory citations are to title 20 United States Code unless otherwise indicated.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: August 18, 2015

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings